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U.S. District Court − District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:18−cv−00302−JLK

Civil Rights Education and Enforcement Center v. United States Department of Homeland Security et al
Assigned to: Judge John L. Kane
Cause: 05:552 Freedom of Information Act

Date Filed: 02/07/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act of 1974
Jurisdiction: U.S. Government Defendant

Plaintiff

Civil Rights Education and Enforcement Center

represented by

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Defendant

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Defendant

United States Immigration and Customs Enforcement

represented by

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Mark S. Pestal
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Date Filed	#	Docket Text
02/07/2018	1	COMPLAINT *for declaratory and injunctive relief* against United States Department of Homeland Security, United States Immigration and Customs Enforcement (Filing fee $ 400,Receipt Number 1082−5934785)Attorney Thomas B. Kelley added to party Civil Rights Education and Enforcement Center(pty:pla), filed by Civil Rights Education and Enforcement Center. (Attachments: # 1 Exhibit 1 − FOIA Request, # 2 Exhibit 2 − Email, # 3 Exhibit 3 − Automatic Reply, # 4 Exhibit 4 − Email, # 5 Exhibit 5 − Automatic Reply, # 6 Exhibit 6 − Email, # 7 Exhibit 7 − Email, # 8 Exhibit 8 −

		FOIA Request, # 9 Exhibit 9 − Email, # 10 Exhibit 10 − Automatic Reply, # 11 Exhibit 11 − FOIA Request, # 12 Exhibit 12 − Email, # 13 Exhibit 13 − Automatic Reply, # 14 Exhibit 14 − FOIA Request, # 15 Exhibit 15 − Email, # 16 Exhibit 16 − Automatic Reply, # 17 Exhibit 17 − Email, # 18 Exhibit 18 − FOIA Tracker Screenshot, # 19 Exhibit 19 − Email, # 20 Exhibit 20 − Automatic Reply, # 21 Exhibit 21 − Email, # 22 Exhibit 22 − Email, # 23 Exhibit 23 − Automatic Reply, # 24 Exhibit 24 − Email, # 25 Exhibit 25 − ICE FOIA Screenshot, # 26 Exhibit 26 − ICE FOIA Screenshot, # 27 Exhibit 27 − ICE FOIA Request, # 28 Exhibit 28 − Email, # 29 Exhibit 29 − Automatic Reply, # 30 Exhibit 30 − Email, # 31 Exhibit 31 − Email, # 32 Exhibit 32 − Email Response, # 33 Exhibit 33 − Automatic Acknowledgement, # 34 Exhibit 34 − Email, # 35 Exhibit 35 − ICE FOIA Screenshot, # 36 Exhibit 36 − ICE FOIA Screenshot, # 37 Civil Cover Sheet)(Kelley, Thomas) (Entered: 02/07/2018)
02/07/2018	2	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES:re: 1 Complaint filed by attorney Thomas B. Kelley. **DO NOT REFILE THE DOCUMENT. Action to take −** counsel must submit a change of contact request through the Attorney Services Portal Account pursuant to D.C.COLO.LAttyR 5(c) and 3.5 of the Electronic Case Filing Procedures (Civil cases).(Text Only Entry) (rvill,) (Entered: 02/07/2018)
02/07/2018	3	Case assigned to Judge Richard P. Matsch and drawn to Magistrate Judge Kristen L. Mix. Text Only Entry. (rvill,) (Entered: 02/07/2018)
02/07/2018	4	Magistrate Judge consent form issued pursuant to 28 U.S.C. 636(c). No Summons Issued. (rvill,) (Entered: 02/07/2018)
02/09/2018	5	NOTICE of Entry of Appearance by Amber Rose Gonzales on behalf of Civil Rights Education and Enforcement CenterAttorney Amber Rose Gonzales added to party Civil Rights Education and Enforcement Center(pty:pla) (Gonzales, Amber) (Entered: 02/09/2018)
02/09/2018	6	SUMMONS REQUEST as to U.S. Department of Homeland Security by Plaintiff Civil Rights Education and Enforcement Center. (Gonzales, Amber) (Entered: 02/09/2018)
02/09/2018	7	SUMMONS REQUEST as to U.S. Immigration and Customs Enforcement by Plaintiff Civil Rights Education and Enforcement Center. (Gonzales, Amber) (Entered: 02/09/2018)
02/09/2018	8	SUMMONS issued by Clerk as to U.S. Immigration and Customs, (Attachments: # 1 Summons as to Department of Homeland Security) (evana,) (Entered: 02/09/2018)
02/15/2018	9	SUMMONS Returned Executed upon defendant(s) United States Department of Homeland Security served on 2/12/2018, answer due 4/13/2018. (Gonzales, Amber) (Entered: 02/15/2018)
02/15/2018	10	SUMMONS Returned Executed upon defendant(s) United States Immigration and Customs Enforcement served on 2/12/2018, answer due 4/13/2018. (Gonzales, Amber) (Entered: 02/15/2018)
03/06/2018	11	NOTICE of Entry of Appearance by Mark S. Pestal on behalf of All Defendants Attorney Mark S. Pestal added to party United States Department of Homeland Security(pty:dft), Attorney Mark S. Pestal added to party United States Immigration and Customs Enforcement(pty:dft) (Pestal, Mark) (Entered: 03/06/2018)
04/13/2018	12	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re 1 Complaint,,,,,, by Defendants United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Kellogg, Ian) (Entered: 04/13/2018)
04/16/2018	13	ORDER Granting 12 unopposed motion for extension of time, to and including May 7, 2018, to response to complaint, by Judge Richard P. Matsch on 4/16/2018. (ktera) (Entered: 04/16/2018)
05/07/2018	14	ANSWER to 1 Complaint, by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Kellogg, Ian) (Entered: 05/07/2018)

05/08/2018	15	PROCEDURAL ORDER NUMBER ONE Counsel will meet and confer as required by Rule 26 (f)(2) within 30 days from the date of this order. Lead counsel shall attend the conference in person. The disclosures required by Rule 26(a)(1)(A) shall be made within 14 days after that conference. Counsel for the plaintiff will telephone chambers [303−844−4627] within 10 days after the disclosures to set a date and time for a Scheduling Conference pursuant to Rule 16. The instructions for preparation of the Scheduling Order and the form of that order are found at http://www.cod.uscourts.gov/judges/judges.aspx, by Judge Richard P. Matsch on 5/8/2018. (ktera) (Entered: 05/08/2018)
06/21/2018	16	ORDER SETTING SCHEDULING CONFERENCE A scheduling conference will be held on August 15, 2018, at 10:00 a.m. in the Conference Room, Second Floor, the Byron White United States Courthouse, 1823 Stout Street, Denver, Colorado. The proposed order (original only) on paper, shall be submitted directly to chambers by 12:00 noon on August 6, 2018. The conference is conducted with lead counsel present in person. No parties or representatives of parties will be permitted to attend, by Judge Richard P. Matsch on 6/21/2018. (ktera) (Entered: 06/21/2018)
06/28/2018	17	Unopposed MOTION to Amend/Correct/Modify 1 Complaint,,,,,, by Plaintiff Civil Rights Education and Enforcement Center. (Attachments: # 1 Exhibit First Amended Complaint, # 2 Exhibit 1 − Written Request, # 3 Exhibit 2 − Cover Email, # 4 Exhibit 3 − Automatic Reply, # 5 Exhibit 4 − CREEC Email, # 6 Exhibit 5 − Automatic Reply, # 7 Exhibit 6 − Email to Bittner, # 8 Exhibit 7 − ICE−FOIA Email, # 9 Exhibit 8 − FOIA Request, # 10 Exhibit 9 − Cover Email, # 11 Exhibit 10 − Automatic Reply, # 12 Exhibit 11 − FOIA Request, # 13 Exhibit 12 − Cover Email, # 14 Exhibit 13 − Automatic Reply, # 15 Exhibit 14 − FOIA Request, # 16 Exhibit 15 − Cover Email, # 17 Exhibit 16 − Automatic Reply, # 18 Exhibit 17 − ICE−FOIA Email, # 19 Exhibit 18 − Screenshot, # 20 Exhibit 19 − CREEC Email, # 21 Exhibit 20 − Automatic Reply, # 22 Exhibit 21 − Email to CREEC, # 23 Exhibit 22 − CREEC Email, # 24 Exhibit 23 − Automatic Reply, # 25 Exhibit 24 − Email to Bittner, # 26 Exhibit 25 − Screenshot, # 27 Exhibit 26 − Screenshot, # 28 Exhibit 27 − FOIA Request, # 29 Exhibit 28 − Cover Email, # 30 Exhibit 29 − Automatic Reply, # 31 Exhibit 30 − ICE−FOIA Email, # 32 Exhibit 31 − ICE−FOIA Email, # 33 Exhibit 32 − CREEC Response, # 34 Exhibit 33 − Automatic Acknowledgment, # 35 Exhibit 34 − Email to Bittner, # 36 Exhibit 35 − Screenshot, # 37 Exhibit 36 − Screenshot, # 38 Exhibit 37 − Report, # 39 Exhibit 38 − FOIA Request, # 40 Exhibit 39 − Cover Email, # 41 Exhibit 40 − Automatic Reply, # 42 Exhibit 41 − CREEC Email, # 43 Exhibit 42 − Automatic Reply, # 44 Exhibit 43 − Email to Bittner, # 45 Exhibit 44 − Automatic Reply, # 46 Exhibit 45 − FOIA Request, # 47 Exhibit 46 − ICE−FOIA Email, # 48 Exhibit 47 − Website, # 49 Exhibit 48 − Screenshot, # 50 Exhibit 49 − FOIA Request, # 51 Exhibit 50 − Cover Email, # 52 Exhibit 51 − ICE−FOIA Email, # 53 Exhibit 52 − Screenshot, # 54 Exhibit 53 − FOIA Request, # 55 Exhibit 54 − Cover Email, # 56 Exhibit 55 − ICE−FOIA Email, # 57 Exhibit 56 − Screenshot, # 58 Exhibit 57 − Screenshot, # 59 Exhibit 58 − FOIA Request, # 60 Exhibit 59 − Cover Email, # 61 Exhibit 60 − Email and Response, # 62 Exhibit 61 − ICE−FOIA Email, # 63 Exhibit 62 − Website)(Kelley, Thomas) (Entered: 06/28/2018)
06/29/2018	18	ORDER Granting 17 Plaintiff's Unopposed Motion for Leave to File First Amended Complaint. The First Amended Complaint attached thereto is accepted for filing, by Judge Richard P. Matsch on 6/29/2018. (ktera) (Entered: 06/29/2018)
06/29/2018	19	FIRST AMENDED COMPLAINT filed by Civil Rights Education and Enforcement Center. (ktera) (Entered: 06/29/2018)
07/12/2018	20	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re 19 Amended Complaint by Defendants United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Pestal, Mark) (Entered: 07/12/2018)
07/12/2018	21	ORDER Granting 20 Defendants' motion for extension of time, to and including July 31, 2018, to respond to the amended complaint, by Judge Richard P. Matsch on 7/12/2018. (ktera) (Entered: 07/12/2018)
07/27/2018	22	NOTICE of Entry of Appearance by Timothy Patrick Fox on behalf of Civil Rights Education and Enforcement CenterAttorney Timothy Patrick Fox added to party Civil Rights Education and Enforcement Center(pty:pla) (Fox, Timothy) (Entered: 07/27/2018)

07/30/2018	23	NOTICE of Entry of Appearance by Elizabeth B. Jordan on behalf of Civil Rights Education and Enforcement CenterAttorney Elizabeth B. Jordan added to party Civil Rights Education and Enforcement Center(pty:pla) (Jordan, Elizabeth) (Entered: 07/30/2018)
07/31/2018	24	ANSWER to 19 Amended Complaint by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Pestal, Mark) (Entered: 07/31/2018)
08/06/2018	25	DECLARATION of *Catrina Pavlik−Keenan* by Defendants United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Pestal, Mark) (Entered: 08/06/2018)
08/15/2018	26	COURTROOM MINUTES for Scheduling Conference held before Senior Judge Richard P. Matsch on 8/15/2018. ORDERED: This matter is set for continued Scheduling Conference on September 25, 2018, at 10:00 a.m. FTR: Kathy Terasaki. (lrobe) (Entered: 08/15/2018)
08/15/2018	27	ORDER SETTING FURTHER SCHEDULING CONFERENCE Pursuant to the August 15, 2018 scheduling conference, a further scheduling conference is scheduled for September 25, 2018 at 10:00 a.m. in the Conference Room, Second Floor, the Byron White United States Courthouse, 1823 Stout Street, Denver, Colorado, by Judge Richard P. Matsch on 8/15/2018. (ktera) (Entered: 08/15/2018)
08/15/2018	28	Utility Confirming Setting Hearings: Scheduling Conference set for 9/25/2018 10:00 AM before Judge Richard P. Matsch. Text Only Entry (evana,) (Entered: 08/20/2018)
09/17/2018	29	MOTION for Leave to *File Response to Defendants'* 25 Declaration by Plaintiff Civil Rights Education and Enforcement Center. (Gonzales, Amber) (Entered: 09/17/2018)
09/17/2018	30	RESPONSE to 25 Declaration *Re ICE FOIA Office Workload and Resources* by Plaintiff Civil Rights Education and Enforcement Center. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Gonzales, Amber) (Entered: 09/17/2018)
09/17/2018	32	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES: re: 29 MOTION for Leave to File Response to Defendants' 25 Declaration filed by attorney Thomas B. Kelley. The s/signature did not match the filers name on the account for which the login and password are registered. **DO NOT REFILE THE DOCUMENT. Action to take** − future documents must be filed pursuant to D.C.COLO.LCivR 5.1(a) and 4.3(c) of the Electronic Case Filing Procedures (Civil cases).(Text Only Entry) (evana,) (Entered: 09/18/2018)
09/17/2018	33	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES: re: 30 Response filed by attorney Thomas B. Kelley. The s/signature did not match the filers name on the account for which the login and password are registered. **DO NOT REFILE THE DOCUMENT. Action to take** − future documents must be filed pursuant to D.C.COLO.LCivR 5.1(a) and 4.3(c) of the Electronic Case Filing Procedures (Civil cases).(Text Only Entry) (evana,) (Entered: 09/18/2018)
09/18/2018	31	ORDER Granting 29 Plaintiff's Motion for Leave to File Response to Defendants' Declaration Regarding ICE FOIA Office Workload and Resources. Plaintiff's Response Doc. 30 is accepted for filing, by Judge Richard P. Matsch on 9/18/2018. (ktera) (Entered: 09/18/2018)
09/25/2018	34	MINUTE ENTRY for Scheduling Conference proceedings held before Judge Richard P. Matsch on 9/25/2018. Scheduling Order APPROVED and SIGNED with changes and interlineations. Status Conference set for 10/26/2018 10:00 AM in Courtroom A before Judge Richard P. Matsch. FTR: K. Terasaki. (babia) (Entered: 09/25/2018)
09/25/2018	35	SCHEDULING ORDER approved and signed with changes and interlineations by Judge Richard P. Matsch on 9/25/2018. (babia) (Entered: 09/25/2018)
10/26/2018	36	MINUTE ENTRY for proceedings held before Senior Judge Richard P. Matsch: Status Conference held on 10/26/2018. Status Conference set for 12/7/2018, at 10:00 AM, in Courtroom A before Senior Judge Richard P. Matsch. FTR: K. Terasaki. (rkeec) (Entered: 10/26/2018)

12/07/2018	37	MINUTE ENTRY for Status Conference proceedings held before Judge Richard P. Matsch on 12/7/2018. ORDERED:Counsel shall meet and confer to draft and submit a proposed order requiring the agency to set out what their priority schedule is on production of documents in each category, on or before December 20, 2018. Status Conference set for 1/18/2019 10:00 AM in Courtroom A before Judge Richard P. Matsch. FTR: K. Terasaki. (babia) (Entered: 12/07/2018)
12/12/2018	38	Unopposed MOTION to Clarify re 37 Status Conference,, Terminate Hearings,, Set/Reset Hearings, by Plaintiff Civil Rights Education and Enforcement Center. (Attachments: # 1 Exhibit 1 − proposed Order Regarding Production Schedule)(Kelley, Thomas) (Entered: 12/12/2018)
12/20/2018	39	Unopposed MOTION for Extension of Time to *Submit Proposed Production Schedule* by Defendants United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Pestal, Mark) (Entered: 12/20/2018)
12/21/2018	40	ORDER Granting 39 Defendants' unopposed motion for extension of time, to and including January 9, 2019, to submit a proposed production schedule. By Judge Richard P. Matsch on 12/21/2018. (ktera) (Entered: 12/21/2018)
12/21/2018	41	ORDER on 38 Motion for Clarification. By Judge Richard P. Matsch on 12/21/2018. (ktera) (Entered: 12/21/2018)
01/02/2019	42	NOTICE of Entry of Appearance by Steven David Zansberg on behalf of All Plaintiffs Attorney Steven David Zansberg added to party Civil Rights Education and Enforcement Center(pty:pla) (Zansberg, Steven) (Entered: 01/02/2019)
01/07/2019	43	Unopposed MOTION for Extension of Time to *File Proposed Production Schedule and to Vacate and Reset Status Conference* by Defendants United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Pestal, Mark) (Entered: 01/07/2019)
01/08/2019	44	ORDER Upon review of Defendants' unopposed motion for an extension of time, to and including February 8, 2019, to submit a proposed production schedule and rescheduling the January 18, 2019, status conference to February 15, 2019, at 10:00 a.m., it is ORDERED that the motion is granted, by Judge Richard P. Matsch on 1/8/2019. (evana,) (Entered: 01/08/2019)
01/09/2019	45	NOTICE of Change of Address/Contact Information *and Firm Affiliation* by Thomas B. Kelley (Kelley, Thomas) (Entered: 01/09/2019)
02/08/2019	46	Joint STATUS REPORT *AND PROPOSED PRODUCTION SCHEDULE* by Defendants United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Pestal, Mark) (Entered: 02/08/2019)
02/15/2019	47	COURTROOM MINUTES for Status Conference held before Judge Richard P. Matsch on 2/15/2019. Defendants shall produce the three categories of documents in 60 days or explain why they are unable to do so. Status Conference set for 4/26/2019 10:00 AM in Conference Room before Judge Richard P. Matsch. FTR: K. Terasaki. (ebuch) (Entered: 02/15/2019)
04/25/2019	48	NOTICE of Entry of Appearance by Kyle W. Brenton on behalf of United States Department of Homeland Security, United States Immigration and Customs EnforcementAttorney Kyle W. Brenton added to party United States Department of Homeland Security(pty:dft), Attorney Kyle W. Brenton added to party United States Immigration and Customs Enforcement(pty:dft) (Brenton, Kyle) (Entered: 04/25/2019)
04/26/2019	49	MINUTE ORDER Due to a conflict with the Court's calendar, the 47 status conference set for April 26, 2019, is rescheduled for May 1, 2019, at 10:00 a.m. in the Conference Room, Second Floor, the Byron White United States Courthouse, 1823 Stout Street, Denver, Colorado, by Judge Richard P. Matsch on 4/26/2019. (ktera) (Entered: 04/26/2019)
04/29/2019	50	MINUTE ORDER Due to a conflict with the Court's calendar, the 49 May 1, 2019, status conference is vacated. The conference will be rescheduled at a later date, by Judge Richard P. Matsch on 4/30/2019. (ktera) Modified on 4/29/2019 to enter the correct date of status conference (ktera). (Entered: 04/29/2019)

05/23/2019	51	MOTION for Sanctions *and Order to Produce Documents* by Plaintiff Civil Rights Education and Enforcement Center. (Attachments: # 1 Exhibit 1 − Email, # 2 Exhibit 2 − Email, # 3 Exhibit 3 − Email, # 4 Exhibit 4 − Email, # 5 Exhibit 5 − FOIA Letter, # 6 Exhibit 6 − Complaint, # 7 Exhibit 7 − Declaration)(Kelley, Thomas) (Entered: 05/23/2019)
05/24/2019	52	NOTICE of Entry of Appearance by Chad Phillip Jimenez on behalf of Civil Rights Education and Enforcement CenterAttorney Chad Phillip Jimenez added to party Civil Rights Education and Enforcement Center(pty:pla) (Jimenez, Chad) (Entered: 05/24/2019)
05/30/2019	53	Upon the passing of Judge Richard P. Matsch, and pursuant to D.C.COLO.LCivR 40.1(a), this case has been reassigned to Judge John L. Kane effective this date. All future pleadings should be designated as 18−cv−00302−JLK. (Text Only Entry). (sphil,) (Entered: 05/30/2019)
06/13/2019	54	RESPONSE to 51 MOTION for Sanctions *and Order to Produce Documents* filed by Defendants United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Pestal, Mark) (Entered: 06/13/2019)